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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,812	01/21/2004	Joseph P. Baumgartner	UV-259	6195
1473 7590 07/18/2007 FISH & NEAVE IP GROUP ROPES & GRAY LLP 1211 AVENUE OF THE AMERICAS NEW YORK, NY 10036-8704			EXAMINER LIN, JASON K	
			ART UNIT 2623	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/762,812	Applicant(s) BAUMGARTNER ET AL.	
	Examiner Jason K. Lin	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-84 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-84 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is responsive to amendment of application No. 10/762,812 filed on 04/20/2007. **Claims 1-84** are pending and have been examined.

Response to Arguments

2. Applicant's arguments with respect to **claims 1-84** have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. **Claims 1, 21, 41, and 61** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The disclosure fails to support "allowing the user to scroll the list backwards in time such that the displayed list, when scrolled backwards in time, includes: at least one listing of a past, previously recorded program that is available for viewing by the user, and at least one cell in the grid corresponding to a listing of a past, unrecorded program, wherein the at least one cell indicates that the past unrecorded program is no longer available for viewing by the user", as now recited in **Claim 1** – P.3: lines 9-20. Similar

limitations are also recited in **Claim 21** – P.7: lines 8-19, **Claim 41** – P.11: lines 4-15, and **Claim 61** – P.14: line 29 – P.15: line 8.

The specifications P.4: line 15 – P. 5: line 6, P.58: line 16 – P.59: line 6, P.64: line 21 – P.65: line 8, P.67: line 29 – P.68: line 16 and Fig. 25, 26, 27, support the user scrolling the list backwards in time at his/her leisure. The scrolling of the list backwards in time displays a list that indicates unrecorded and recorded programs.

The claim is worded such that it interprets that the user **is only** allowed to scroll backwards in time, when there are unrecorded and recorded programs shown in the list. The specification simply states that there is no restriction/condition in scrolling the list.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1, 3, 5-8, 10, 12, 16, 21, 23, 25-28, 30, 32, 36, 41, 43, 45-48, 50, 52, 56, 61, 63, 65-68, 70, 72, and 76** are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. (US 2003/0142957) in view of Schein et al. (US 6,151,059).

Consider **claims 1, 21, 41, and 61**, Young teaches a method, user equipment, system, and machine-readable media for providing a user with program information using an interactive television application (Fig.1, 2, 3, 5)

implemented at least partially on user equipment (Fig.22a,b), the user equipment comprising:

- a display (TV/monitor 210 - Fig.22a,b);

- control circuitry (Fig.22a,b) configured to:

 - display a list of program listings in a grid format (Fig.1, 2, 3, 5); and

 - allow the user to move backwards in time such that the displayed list, when moving backwards in time (Paragraph 0050; Paragraph 0052 – 0054 teaches that a recorded cell would be shown in a solid red background on the listings. *Therefore, when a program is fully recorded, the broadcast of the program is over, making it a program of the past. The user is then able to view listings from the past, present and the future*), includes:

 - at least one listing of a past, previously recorded program that is available for viewing by the user (Paragraph 0052 – 0054 teaches that a recorded cell would be shown in a solid red background on the listings. *Therefore, when a solid red background is shown in the cell of a listing, the program is recorded, and the broadcast of the program is over, making it a program of the past*), and

 - at least one cell in the grid corresponding to a listing of a past, unrecorded program, wherein the at least one cell indicates that the past unrecorded program is no longer available for viewing by the user (Paragraph 0052 – 0054 teaches that a recorded cell would be shown in a

solid red background on the listings. *Therefore, when a program is fully recorded, the broadcast of the program is over, making it a program of the past. All subsequent program listing cells that are on top and on the bottom of the recorded cell are also past programs. The unrecorded programs do not contain any type of outlining or highlighting, and therefore indicates to the user that they are not recorded and since the broadcast of the program has passed, they are not available for viewing).*

Young does not explicitly teach scroll the list backwards in time.

In an analogous art Schein teaches, scrolling a list backwards in time (Fig. 9; Col 11: lines 44-62).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify Young's system to include scrolling a list backwards in time, as taught by Schein, for the advantage of managing vast stores of information available, providing the user direct access and control through a limited number of interactions (Schein - col 1: lines 23-59), allowing the guide to display earlier programs (Schein – Fig. 9), and providing the user access to program listings presented at various points in time, past, current, and future.

Consider **claims 3, 23, 43, and 63**, Young and Schein teaches at least one of the at least one previously recorded program is stored on a local personal video recorder (Paragraph 0054 teaches a recorded program is displayed in a solid red background. Paragraph 0077 teaches recorded program on a video recorder).

Consider **claims 5, 25, 45, and 65**, Young and Schein teaches allowing the user to select for viewing a previously recorded program listed in the list (Paragraph 0054; Paragraph 0095, 0131).

Consider **claims 6, 26, 46, and 66**, Young and Schein teaches wherein at least one program listed in the list is associated with a visual indicator (Paragraph 0052; 40 – Fig.2, 3), wherein the visual indicator indicates that the associated program is scheduled for recording (Paragraph 0052; 40 – Fig.2, 3).

Consider **claims 7, 27, 47, and 67**, Young and Schein teaches wherein at least one program listed in the list is associated with a visual indicator (Paragraph 0054), wherein the visual indicator indicates that the associated program has been recorded (Paragraph 0054).

Consider **claims 8, 28, 48, and 68**, Young and Schein teaches wherein at least one program listed in the list is associated with a visual indicator (Paragraph 0052-0053), wherein the visual indicator indicates that the associated program is currently being recorded (Paragraph 0052-0053).

Consider **claims 10, 30, 50, and 70**, Young and Schein teaches wherein the allowing the user to scroll the list backwards in time (Schein - Fig. 9; Col 11: lines 44-62) comprises displaying a list of previously recorded programs (Young - Paragraph 0052 – 0054 teaches that a recorded program's cell would be shown in a solid red background on the listings).

Consider **claims 12, 32, 52, and 72**, Young and Schein teaches wherein the allowing the user to scroll the list backwards in time (Schein - Fig. 9; Col 11: lines 44-62) comprises displaying at least one category of previously recorded programs (Young – Paragraph 0076 teaches displaying a menu of previously recorded programs).

Consider **claims 16, 36, 56, and 76**, Young and Schein teaches allowing the user to schedule for recording at least one program listed in the list (Young - Paragraph 0052).

7. **Claims 2, 11, 22, 31, 42, 51, 62, and 71** are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. (US 2003/0142957) in view of Schein et al. (US 6,151,059), and further in view of Roth et al. (US 2003/0167471).

Consider **claims 2, 22, 42, and 62**, Young and Schein do not explicitly teach wherein the displayed list includes at least one video-on-demand program that is available for viewing by the user.

In the same field of endeavor, Roth teaches wherein a displayed list includes at least one video-on-demand program that is available for viewing by a user (Paragraph 0023 teaches VOD product indicators such as movie images or

text that can be displayed in 155 shown on Fig. 2. These VOD programs can be selected to be viewed as taught in paragraph 0026).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Young and Schein to include VOD programs available for viewing, as taught by Roth, for the advantage of allowing consumers to sort and select VOD products for viewing (Roth - Paragraph 0004), and also to view certain programs whenever they desire.

Consider **claims 11, 31, 51, and 72**, Young and Schein do not explicitly teach wherein the list includes at least one video-on-demand program available for viewing.

In the same field of endeavor, Roth teaches wherein a list includes at least one video-on-demand program that is available for viewing by a user (Paragraph 0023 teaches VOD product indicators such as movie images or text that can be displayed in 155 shown on Fig. 2. These VOD programs can be selected to be viewed as taught in paragraph 0026).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Young and Schein to include VOD programs available for viewing, as taught by Roth, for the advantage of allowing consumers to sort and select VOD products for viewing (Roth - Paragraph 0004), and also to view certain programs whenever they desire.

8. **Claims 4, 24, 44, and 64** are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. (US 2003/0142957) in view of Schein et al. (US 6,151,059), and further in view of Boyle et al. (US 2005/0002649).

Consider **claims 4, 24, 44, and 64**, Young and Schein teach at least one of the at least one previously recorded program (Paragraph 0052 – 0054 teaches that a recorded cell would be shown in a solid red background on the listings. *Therefore, when a solid red background is shown in the cell of a listing, the program is recorded, and the broadcast of the program is over, making it a program of the past*), but do not explicitly teach it is stored on a network-based video recorder.

In the same field of endeavor, Boyle teaches a previously recorded program stored on a network-based video recorder (Paragraph 0027 program(s) not recorded locally. The program is not stored locally on a device such as a DVR as taught in paragraph 0028 so it is stored non-locally, somewhere on a network device).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Young and Schein to include a previously recorded program stored on a network-based video recorder, as taught by Boyle, for the advantage of allowing users to record and have access to past programs that might otherwise have been unavailable to clients in locations where there is minimal local storage availability.

9. **Claims 9, 29, 49, and 69** are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. (US 2003/0142957) in view of Schein et al. (US 6,151,059), and further in view of Arsenault et al. (US 6,701,528).

Consider **claims 9, 29, 49, and 69**, Young and Schein do not explicitly teach wherein at least one program listed in the list is associated with a visual indicator, wherein the visual indicator indicates that the associated program is a video-on-demand program.

In the same field of endeavor, Arsenault teaches wherein at least one program listed in the list is associated with a visual indicator, wherein the visual indicator indicates that the associated program is a video-on-demand program (col 9: lines 61-63 teaches a "VOD indicator or other appropriate flag in the program guide...").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Young and Schein to include a visual indicator that indicates that the associated program is a vod program, as taught by Arsenault, for the advantage of providing the user with a quick visual regarding which programs are vod content on their programming guide allowing the user to quickly locate VOD content.

10. **Claims 13, 33, 53, and 73** are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. (US 2003/0142957) in view of Schein et al. (US 6,151,059), and further in view of Javed (US 2002/0162112).

Consider **claims 13, 33, 53, and 73**, Young and Schein do not explicitly teach wherein at least one program listed in the list is available for viewing for a limited time, the method further comprising allowing the user to extend the time of availability of said program.

In the same field of endeavor, Javed teaches wherein at least one program listed in the list is available for viewing for a limited time (Paragraph 0054 teaches "the VPOP URL may subsequently used to validate whether the video is still within the rented duration,..." That means the video is only available for viewing for a set amount of time), the method further comprising allowing the user to extend the time of availability of said program (Paragraph 0054 and 0069 teach "if the video's rental duration has expired", the user is able to "extend the video's rental duration", thereby extending the time the video is available to be viewed).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Young and Schein to include a program available for viewing for a limited time, and allowing the user to extend the time of availability of the program, as taught by Javed, for the advantage of allowing for content like new movie releases that in the past was

rented in video stores, to be viewed, rented, and renewed without having to walk outside the comforts of home.

11. **Claims 14, 34, 54, and 74** are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. (US 2003/0142957) in view of Schein et al. (US 6,151,059), and further in view of Proehl et al. (US 6,532,589).

Consider **claims 14, 34, 54, and 74**, Young and Schein do not explicitly teach allowing the user to set a reminder for at least one program listed in the list.

In the same field of endeavor, Proehl teaches allowing the user to set a reminder for at least one program listed in the list (col 8: lines 59-60 teach that the "user may edit the future scheduled activities..." where the scheduled activities include remind, record, pay per view, etc as taught on col 8: lines 13-20. col 8: lines 41-43 shows that the same scheduled activities on daily planner is the same as the ones shown on the TV planner 900).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the modified apparatus of Boyle et al. to allow users to set a reminder for a program listed in the list, as taught by

Proehl, for the advantage of providing a user-friendly system interface that accommodates all users by allowing for scheduled programming information to be presented in a format that is easy-to-read and understand because the numerous varieties of programming content has made it difficult to accurately to present and track content (Proehl - col 1: line 59 – col 2: line 1).

12. **Claims 15, 35, 55, and 75** are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. (US 2003/0142957) in view of Schein et al. (US 6,151,059), further in view of Proehl et al. (US 6,532,589), and further in view of Yoshinobu (US 5,734,444).

Consider **claims 15, 35, 55, and 75**, Young, Schein, and Proehl teaches a reminder was set (Proehl - col 8: lines 59-60 teach that the "user may edit the future scheduled activities..." where the scheduled activities include remind, record, pay per view, etc as taught on col 8: lines 13-20. col 8: lines 41-43 shows that the same scheduled activities on daily planner is the same as the ones shown on the TV planner 900), but do not explicitly teach determining if the user is watching the program.

recording automatically said program if the user is not watching said program.

In the same field of endeavor, Yoshinobu teaches determining if a user is watching a program.

recording automatically said program if the user is not watching said program (Yoshinobu teaches in col 24: lines 51-59 if it is determined that the program is not being watched by the viewer the program is automatically recorded).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Young, Schein, and Proehl to record the program when the user is not watching the program for which a reminder is set, as taught by Yoshinobu, for the advantage of enabling the user to watch his program without fail, although the user is not watching the program at present (Yoshinobu - col 2: lines 30-35).

13. **Claims 17, 19, 37, 39, 57, 59, 77, and 79** are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. (US 2003/0142957) in view of Schein et al. (US 6,151,059), and further in view of Ismail et al. (US 6,614,987).

Consider **claims 17, 37, 57, and 77**, Young and Schein do not explicitly teach determining a personal profile based on gathered information relating to the user.

In the same field of endeavor, Ismail determining a personal profile based on gathered information relating to a user (col 4: lines 13-34 teaches a preference database 116 that contains user viewing data that is generated by the preference agent 110 depending on the amount of time the particular category is

watched by the user. The preference database acts as the personal profile of the user while the preference agent is the one that gathers information relating to the viewing data of the user).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Young and Schein to determine a personal profile based on gathered information relating to a user, as taught by Ismail, for the advantage of allowing the device to better understand the viewing preference of the user in order to further tailor to the specific needs of unique viewers.

Consider **claims 19, 39, 59, and 79**, Ismail further teaches recording a program, wherein said program is selected based at least in part on the personal profile (col 4: lines 28-34 teaches recordation and storage of programs according to information from the preference database 116 that functions as the personal profile).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Young, Schein, and Ismail to record a program where the selected program is at least in part on the personal profile, as further taught by Ismail, for the advantage of relieving the user from the task of selecting programs to record from a huge amount of potentially hundreds of program selections (Ismail - col 1: lines 48-50).

14. **Claims 18, 38, 58, and 78** are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. (US 2003/0142957) in view of Schein et al. (US 6,151,059), further in view of Ismail et al. (US 6,614,987), and further in view of Proehl et al. (US 6,532,589).

Consider **claims 18, 38, 58, and 78**, Young, Schein, and Ismail teaches wherein said program is selected based at least in part on the personal profile (Ismail - a personal profile is taught in col 4: lines 13-34 referred to as preference database. Col 4: lines 28-34 teaches that a program can be selected for storage based on data from the preference database), but do not explicitly teach setting a reminder for a program.

In the same field of endeavor, Proehl teaches setting a reminder for a program (col 8: lines 59-60 teach that the "user may edit the future scheduled activities..." where the scheduled activities include remind, record, pay per view, etc as taught on col 8: lines 13-20. col 8: lines 41-43 shows that the same scheduled activities on daily planner is the same as the ones shown on the TV planner 900).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Young, Schein, and Ismail to set a reminder for a program that is selected based at least in part on the personal profile, as taught by Proehl, for the advantage of notifying the user of desirable program that can be watched, alleviating the user from the task of going through programs and manually setting reminders.

15. **Claims 20, 40, 60, 80, and 81-84** are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. (US 2003/0142957) in view of Schein et al. (US 6,151,059), and further in view of Allport (US 6,483,548).

Consider **claims 20, 40, 60, and 80**, Young and Schein teaches wherein the past, unrecorded program is indicated (Paragraph 0052 – 0054 teaches that a recorded cell would be shown in a solid red background on the listings. *Therefore, when a program is fully recorded, the broadcast of the program is over, making it a program of the past. All subsequent program listing cells that are on top and on the bottom of the recorded cell are also past programs. The unrecorded programs do not contain any type of outlining or highlighting, and therefore indicates to the user that they are not recorded and since the broadcast of the program has passed, they are not available for viewing*), wherein the allowing the user to scroll the list backwards in time (Schein - Fig. 9; Col 11: lines 44-62) comprises:

Young and Schein do not explicitly teach an empty cell indication,

In the same field of endeavor, Allport teaches an empty cell indication (empty cell 5 - Fig.6).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Young and Schein to include an empty cell indicator, as taught by Allport, for the advantage of clearly indicating unavailability so that a user is not confused whether or not a

program can be selected/viewed, so they do not waste time selecting an unavailable program.

Allport further teaches determining whether at least one row of the grid consists of empty cells; and collapsing the grid to remove the at least one row of empty cells (Col 7: line 59 – col 8: line 1; Col 9: lines 14-35; Col 10: lines 14-16).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Young and Schein to include determining whether at least one row of the grid consists of empty cells; and collapsing the grid to remove the at least one row of empty cells, as further taught by Allport, for the advantage of displaying information in a more compact form, saving more display space, reducing the amount of empty cells and increasing the representational efficiency (Allport- col 4: lines 56-66, col 8: lines 5-7) providing the user with a more visually pleasing and intuitive interface.

Consider **claims 81-84**, Young and Schein teaches wherein the past, unrecorded program is indicated (Paragraph 0052 – 0054 teaches that a recorded cell would be shown in a solid red background on the listings. *Therefore, when a program is fully recorded, the broadcast of the program is over, making it a program of the past. All subsequent program listing cells that are on top and on the bottom of the recorded cell are also past programs. The unrecorded programs do not contain any type of outlining or highlighting, and therefore indicates to the user that they are not recorded and since the broadcast of the program has passed, they are not available for viewing*), wherein the allowing the user to scroll the list backwards in time (Schein - Fig. 9; Col 11: lines 44-62), but do not explicitly teach an empty cell indication,

In the same field of endeavor, Allport teaches an empty cell indication (empty cell 5 - Fig.6).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Young and Schein to include an empty cell indicator, as taught by Allport, for the advantage of clearly indicating unavailability so that a user is not confused whether or not a program can be selected/viewed, so they do not waste time selecting an unavailable program.

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason K. Lin whose telephone number is (571)270-1446. The examiner can normally be reached on Mon-Fri, 9:00AM-6:00PM, EST.

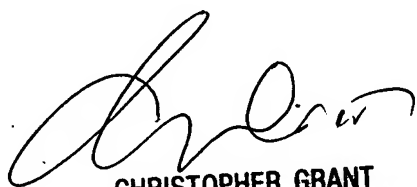
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571)272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason Lin

07/07/2007



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SUPERVISORY PATENT EXAMINER
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